IV

19 42.

File No. Highcourt Rules II/42

Legal DEPARTMENT

B BRANCH

K

Subject:—

Rules and Notifications relating to the Rules and forms of the Bombay High Court, Original Side, 1936 ——

D-2

File No. High Court Rules II/42—

Std. Sectt. Slip 24 B e.

413-B

CONTENTS

Legal Department File No. High Court Rules II/42.

Sr. No.	Compilation No.	Subject	Pages
		Rules & Forms of the Bo[illegible] Original Side.	
1.	U.R. to H.D. No. 4941 dt. 17-6-42	New item 53-A providing for costs for filing an award, issuing notice and Prothonotary's certificates.	1-2.

11/5

K.S.R.

11/5

4977
5.6.42.

Submitted.

2. Section 17 of the Arbitration Act. 1940 (X of 1940) provides for pronouncing judgment in terms of an Award. Rule 379 of the Rules and Forms of the Bombay High Cour Original Side, 1936, lays down that an application for judgement in terms of an Award shall be made by Motion in open Court and shall be accompanied by a certificate from the Prothonotary & Senior Master that no application has been made to remit the Award or any of the the matters referred to arbitration for reconsideration or to set aside the Award, or , if made, that it has been disallowed. Items 54 and 55 in the Table of Fees at page 417 of the Rules provide for costs of the Motion but there is no item in the Table of Fees dealing with the cost of filing the Award and issuing and serving notices and issuing Prothonotary's certificate thereon. The High Court has therefore proposed to add a new item 59-A as at page 3 ante providing for costs for filing award, issuing notices and Prothonotary's certificates. The Proposed item would be covered by section 224(1)(d) of the Govt. of India Act, 1935. The said section 224 (1)(d) empowers the High Court to settle tables of fees to be allowed to the Sheriff attorneys and all clerks and officers of Courts provided that such tables shall not be inconsistent with the provision of any law for the time being in force and shall require the previous approval of the Governer. Before according the previous

approval of the Governor to the proposed new item 59-A the papers are shown to R.L.A.

3. The papers may be seen and returned with the remarks that there is no legal objection to accord previous approval to the amendment proposed by the High Court at page 3 ante, under the proviso to section 224(1) of the Govt. of India Act, 1935.

Id.
8/6
9

S.A.S. seen and returned
Id. S.B.P. 9/6

D.S. Id. N.K.D.
9/6
R.L.A Id. P.N.M. 13/6

U.R. to H.D., No. 4941 , dated the June 1942.

JPE
4/5/56
4(c)